

To: Jill M. Pietrini(trademarksCC@sheppardmullin.com)
Subject: U.S. Trademark Application Serial No. 97642346 - ROCK THE BELLS CRUISE - 71AK-308425
Sent: August 22, 2023 06:11:03 PM EDT
Sent As: tmng.notices@uspto.gov

Attachments

[screenshot-www-merriam-webster-com-dictionary-cruise-16923868835151](#)

**United States Patent and Trademark Office (USPTO)
Office Action (Official Letter) About Applicant's Trademark Application**

U.S. Application Serial No. 97642346

Mark: ROCK THE BELLS CRUISE

Correspondence Address:

Jill M. Pietrini
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UNITED STATES

Applicant: Smith, James Todd

Reference/Docket No. 71AK-308425

Correspondence Email Address: trademarksCC@sheppardmullin.com

NONFINAL OFFICE ACTION

Response deadline. File a response to this nonfinal Office action within three months of the “Issue date” below to avoid [abandonment](#) of the application. Review the Office action and respond using one of the links to the appropriate electronic forms in the “How to respond” section below.

Request an extension. For a fee, applicant may [request one three-month extension](#) of the response deadline prior to filing a response. The request must be filed within three months of the “Issue date” below. If the extension request is granted, the USPTO must receive applicant’s response to this letter within six months of the “Issue date” to avoid abandonment of the application.

Issue date: August 22, 2023

Introduction

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant

must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

Summary of Issues

- Search Results - No Conflicting Marks Found
- Amendment of Identification of Services Required
- Multiple Class Application Requirements for a Section 1(b) Application
- Disclaimer Required

Search Results - No Conflicting Marks Found

The trademark examining attorney has searched the USPTO database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). 15 U.S.C. §1052(d); TMEP §704.02.

Amendment of Identification of Services Required

First, in the identification of services, applicant must use the common commercial or generic names for the services, be as complete and specific as possible, and avoid the use of indefinite words and phrases. TMEP §1402.03(a); *see* 37 C.F.R. §2.32(a)(6). If applicant uses indefinite words and phrases such as “services in connection with,” “including,” “and like services,” “concepts,” or “not limited to,” such wording must be followed by “namely,” and a list of each specific service identified by its common commercial or generic name. *See* TMEP §1402.03(a).

Second, applicant must clarify the wording “Travel and tour arrangement services” in the identification of goods and/or services in International Class 39 because it is indefinite and too broad. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.03. This wording is indefinite because it does not make clear the nature of the services. Further, this wording could identify goods and/or services in more than one international class. For example, “tour arrangement services, namely, providing travel tour management services” is in International Class 35 and “tour arrangement services, namely, arranging guided outdoor expeditions” is in International Class 41.

Third, the wording “Travel and transport information and planning services for passengers and tourists” in the identification of services in International Class 39 is indefinite and must be clarified to further specify the nature of the services. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01.

Fourth, applicant must clarify the wording “Travel, excursion, and cruise arrangement” in the identification of goods and/or services in International Class 39 because it is indefinite and too broad. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.03. This wording is indefinite because it does not make clear the nature of the services. Further, this wording could identify goods and/or services in more than one international class. For example, “travel arrangement and cruise arrangement” and “Providing transport for excursions” is in International Class 39 and “arranging excursions, namely, arranging guided whale-watching tours” is in International Class 41.

Applicant may substitute the following wording, if accurate:

- International Class 35: Tour arrangement services, **namely, providing travel tour management**

services

- International Class 39: Arranging of cruises; Boat cruises; Cruise ship services; Providing information, news and commentary in the field of travel; Travel agency services, namely, bookings for reservations for cruise and air transportation; Travel agency services, namely, providing a website for making on-line reservations and bookings, **namely**, editing and generating reports and confirmations for cruise and air transportation; Travel and transport information services for passengers and tourists; Travel **route** planning services for passengers and tourists; Travel clubs; Travel guide and information services; Travel arrangement and cruise arrangement; Travel and tour arrangement services, **namely, arranging of transportation for travel tours**; Excursion arrangement, **namely, providing transport for excursions**
- International Class 41: Tour arrangement services, **namely, arranging guided outdoor expeditions**; arranging excursions, **namely, arranging guided whale-watching tours**

Applicant may amend the identification to clarify or limit the goods and/or services, but not to broaden or expand the goods and/or services beyond those in the original application or as acceptably amended. *See* 37 C.F.R. §2.71(a); TMEP §1402.06. Generally, any deleted goods and/or services may not later be reinserted. *See* TMEP §1402.07(e).

For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable [U.S. Acceptable Identification of Goods and Services Manual](#). *See* TMEP §1402.04.

Multiple Class Application Requirements for a Section 1(b) Application

The application identifies goods and/or services in more than one international class; therefore, applicant must satisfy all the requirements below for each international class based on Trademark Act Section 1(b):

- (1) **List the goods and/or services by their international class number** in consecutive numerical order, starting with the lowest numbered class.
- (2) **Submit a filing fee for each international class** not covered by the fee(s) already paid (view the [USPTO's current fee schedule](#)). The application identifies goods and/or services that are classified in at least 3 classes; however, applicant submitted a fee(s) sufficient for only 1 class(es). Applicant must either submit the filing fees for the classes not covered by the submitted fees or restrict the application to the number of classes covered by the fees already paid.

See 37 C.F.R. §2.86(a); TMEP §§1403.01, 1403.02(c).

For an overview of the requirements for a Section 1(b) multiple-class application and how to satisfy the requirements online using the Trademark Electronic Application System (TEAS) form, see the [Multiple-class Application webpage](#).

Disclaimer Required

Applicant must disclaim the wording "CRUISE" because it is merely descriptive of an ingredient,

quality, characteristic, function, feature, purpose, or use of applicant's goods and/or services. *See* 15 U.S.C. §§1052(e)(1), 1056(a); *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1251, 103 USPQ2d 1753, 1755 (Fed. Cir. 2012); TMEP §§1213, 1213.03(a).

The attached evidence from *Merriam-Webster Dictionary* shows this wording means "a tour by ship". Also, applicant's identification of services indicates "cruise" services are provided. Thus, the wording merely describes applicant's services because it describes a characteristic, feature, use, and/or purpose of applicant's services, namely, applicant provides cruises, specifically tours by ship.

Applicant may respond to this issue by submitting a disclaimer in the following format:

No claim is made to the exclusive right to use "CRUISE" apart from the mark as shown.

For an overview of disclaimers and instructions on how to provide one using the Trademark Electronic Application System (TEAS), see the [Disclaimer webpage](#).

Response guidelines. For this application to proceed, applicant must explicitly address each refusal and/or requirement in this Office action. For a refusal, applicant may provide written arguments and evidence against the refusal, and may have other response options if specified above. For a requirement, applicant should set forth the changes or statements. Please see "[Responding to Office Actions](#)" and the informational [video "Response to Office Action"](#) for more information and tips on responding.

Please call or email the assigned trademark examining attorney with questions about this Office action. Although an examining attorney cannot provide legal advice, the examining attorney can provide additional explanation about the refusal(s) and/or requirement(s) in this Office action. *See* TMEP §§705.02, 709.06.

The USPTO does not accept emails as responses to Office actions; however, emails can be used for informal communications and are included in the application record. *See* 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05.

How to respond. File a [response form to this nonfinal Office action](#) or file a [request form for an extension of time to file a response](#).

/Christina Moore/
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Christina.Moore@uspto.gov

RESPONSE GUIDANCE

- Missing the deadline for responding to this letter will cause the application to [abandon](#). A

response or extension request must be received by the USPTO before 11:59 p.m. **Eastern Time** of the last day of the response deadline. Trademark Electronic Application System (TEAS) [system availability](#) could affect an applicant's ability to timely respond. For help resolving technical issues with TEAS, email TEAS@uspto.gov.

- [Responses signed by an unauthorized party](#) are not accepted and can **cause the application to abandon**. If applicant does not have an attorney, the response must be signed by the individual applicant, all joint applicants, or someone with [legal authority to bind a juristic applicant](#). If applicant has an attorney, the response must be signed by the attorney.
- If needed, **find** [contact information for the supervisor](#) of the office or unit listed in the signature block.

Merriam Webster

Est. 1828

Dictionary

Thesaurus

cruise

Q

Games & Quizzes

Word of the Day

Grammar

Wordplay

Word Finder

More

Dictionary

Definition

verb

noun

- Synonyms
- Example Sentences
- Word History
- Phrases Containing
- Entries Near
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Save Word

cruise 1 of 2 verb

ˈkrʊz

cruised; cruising

Synonyms of cruise

intransitive verb

- 1 : to sail about touching at a series of ports
- 2 : to move or proceed speedily, smoothly, or effortlessly
 - I'll *cruise* over to her house to see if she's home
- 3 : to travel without destination or purpose
- 4 a : to go about the streets at random but on the lookout for possible developments
 - the cabdriver *cruised* for an hour before being hailedb : to search (as in public places) for a sexual partner
- 5 a of an airplane : to fly at the most efficient operating speedb of an automobile : to travel at a speed suitable for being maintained for a long distance

transitive verb

- 1 : to cruise over or about
- 2 : to inspect (land) with reference to possible lumber yield
- 3 a : to search in (a public place) for a sexual partnerb : to approach and suggest sexual relations to

From Dulles

One-way as low as

\$69

*First travel date available 9/8/2023 with 27 travel days in schedule. Southwest permits first; rest. Amer. apply.

Southwest

Book now

Quordle

W	O	R	D	Y
L	O	V	E	R
P	L	A	Y	S
D	A	I	L	Y

Can you solve 4 words at once?

Play

Get the network made for streaming

Xfinity Internet

\$25

9.99/mo / 12 mos

w/ no annual contract. Requires payment billing and custody of wired back account

- Synonyms
- Example Sentences
- Word History
- Phrases Containing
- Entries Near
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to approach and suggest sexual relations to

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b of an automobile : to travel at a speed suitable for being maintained for a long distance

transitive verb

- 1 : to cruise over or about
- 2 : to inspect (land) with reference to possible lumber yield
- 3 **a** : to search in (a public place) for a sexual partner
b : to approach and suggest sexual relations to
- 4 : to explore or search the offerings of
especially : **SURF**
cruise the Internet

cruise ^{2 of 2} **noun**

: an act or an instance of **cruising**

especially : a tour by ship

xfinity 10g
Get it now

Southwest
Book now

Quordle

W O R D Y
L O V E R
P L A Y S
D A I L Y

Can you solve 4 words at once?

Play

Get the network made for streaming

xfinity internet
\$25
per month
Get it now

Merriam-Webster

WORD OF THE DAY

inkling

See Definitions and Examples »

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Big, bold design solutions

Imagine that

Page

Synonyms

Verb

bat	drift	float
gad (about)	gallivant	galavant
kick around	knock (about)	maunder
meander	mooch	ramble
range	roam	rove
traipse	wander	

Noun

crossing	passage	sail
voyage		

[See all Synonyms & Antonyms in Thesaurus >](#)

Example Sentences

Verb

We *cruised* for a week down the Yangtze River.

He dreams of *cruising* the Mediterranean.

The bus was *cruising* at 55 miles per hour.

[See More ▾](#)

Recent Examples on the Web

Verb

Both Democrats *cruised* to victory, with Jones defeating Republican opponent Laura



Nelson with nearly 80% of the vote in Nashville and Pearson defeating Republican Jeff Johnston with more than 90% of the vote in Memphis.

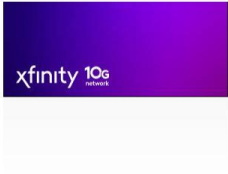
—Jane Onyanga-Omara Julius Lasin usa Today, *USA TODAY*, 4 Aug. 2023

The Orioles' lead vanished in the sixth when right-hander Dean Kremer, who had *cruised* through 5 1/3 innings, issued three straight walks before allowing a game-tying single to Francisco Lindor.

—Nathan Ruiz, *Baltimore Sun*, 4 Aug. 2023

[See More](#) ▾

These examples are programmatically compiled from various online sources to illustrate current usage of the word 'cruise.' Any opinions expressed in the examples do not represent those of Merriam-Webster or its editors. [Send us feedback](#) about these examples.



Word History

Etymology

Verb

Dutch *kruisen* to make a cross, cruise, from Middle Dutch *crucen*, from *crûce* cross, from Latin *cruc-*, *crux*

First Known Use

Verb

1651, in the meaning defined at [intransitive sense 1](#)

Noun

1696, in the meaning defined [above](#)

Time Traveler



The first known use of *cruise* was in 1651

See more words from the same year

Phrases Containing *cruise*

adaptive cruise control booze cruise cruise liner
cruise control cruise missile cruise ship
radar cruise control

Dictionary Entries Near *cruise*

Cruikshank

cruise

cruise car

[See More Nearby Entries >](#)

Cite this Entry

Style

"Cruise." *Merriam-Webster.com Dictionary*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/cruise>. Accessed 18 Aug. 2023.

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Kids Definition

never before

xfinity 10g
network

cruise verb

'krüz

cruised; cruising

- 1** : to travel by boat often stopping at a series of ports
- 2** : to travel for enjoyment
- 3** : to travel at the best operating speed
 - the *cruising* speed of an airplane

cruise noun

Etymology

Verb

from Dutch *kruisen* "to cruise, move crosswise," from early Dutch *crūce* "cross," from Latin *crux* "cross" — related to [CROSS](#), [CRUCIAL](#)



More from Merriam-Webster on *cruise*

Nglish: Translation of *cruise* for Spanish Speakers

Britannica English: Translation of *cruise* for Arabic Speakers

Last Updated: 8 Aug 2023 - Updated example sentences

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United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on August 22, 2023 for
U.S. Trademark Application Serial No. 97642346

A USPTO examining attorney has reviewed your trademark application and issued an Office action. You must respond to this Office action to avoid your application abandoning. Follow the steps below.

- (1) **[Read the Office action](#)**. This email is NOT the Office action.
- (2) **Respond to the Office action by the deadline** using the Trademark Electronic Application System (TEAS). Your response, or extension request, must be received by the USPTO on or before 11:59 p.m. **Eastern Time** of the last day of the response deadline. Otherwise, your application will be [abandoned](#). See the Office action itself regarding how to respond.
- (3) **Direct general questions** about using USPTO electronic forms, the USPTO [website](#), the application process, the status of your application, and whether there are outstanding deadlines to the [Trademark Assistance Center \(TAC\)](#).

After reading the Office action, address any question(s) regarding the specific content to the USPTO examining attorney identified in the Office action.

GENERAL GUIDANCE

- **[Check the status](#) of your application periodically** in the [Trademark Status & Document Retrieval \(TSDR\)](#) database to avoid missing critical deadlines.
- **[Update your correspondence email address](#)** to ensure you receive important USPTO notices about your application.
- **[Beware of trademark-related scams](#)**. Protect yourself from people and companies that may try to take financial advantage of you. Private companies may call you and pretend to be the USPTO or may send you communications that resemble official USPTO documents to trick you. We will never request your credit card number or social security number over the phone. Verify the correspondence originated from us by using your serial number in our database, [TSDR](#), to confirm that it appears under the “Documents” tab, or contact the [Trademark Assistance Center](#).
- **[Hiring a U.S.-licensed attorney](#)**. If you do not have an attorney and are not required to

have one under the trademark rules, we encourage you to hire a U.S.-licensed attorney specializing in trademark law to help guide you through the registration process. The USPTO examining attorney is not your attorney and cannot give you legal advice, but rather works for and represents the USPTO in trademark matters.